

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

PATRICK KINCHLER,

Plaintiff,

v.

KATHRYN SHEA,

Defendant.

CASE NO. C12-5130 RBL

ORDER ON IFP STATUS

[DKT. #20]

THIS MATTER is before Court on referral from the Ninth Circuit [Dkt. #20]. This Court must determine whether Plaintiff Kinchler's in forma pauperis status should continue for his appeal, or whether the appeal is frivolous or taken in bad faith. *See* 28 U.S.C. §1915(c).

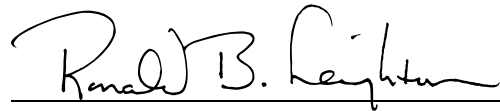
Kinchler's claims arise from the termination of his employment at the Washington Corrections Center, and from his being banned from certain areas in the facility. This Court adopted the Magistrate Judge's Report and Recommendation [Dkt. #13] dismissing the claims because he had no constitutionally protected right to employment, or to access certain parts of the facility.

While Plaintiff's claims are not viable, the Court cannot conclude that his appeal is frivolous or taken in bad faith.

1 This Court will continue Plaintiff Kinchler's IFP status of appeal.

2 IT IS SO ORDERED.

3 Dated this 11th day of September, 2012.

4 

5 Ronald B. Leighton
6 United States District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24